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August 23, 1996

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HAND DELIVERED

William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW
Washington, D.C. 20554

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AUG 23 1996

Federal Communications Commission
Office of Secretary

Re: Amendment of Section 73.202(b), Table of FM Allotments
(Georgetown and Garden City, South Carolina).

Dear Mr. Caton:

Transmitted herewith, on behalf of Coastline Communications of Carolina Inc., are an original and four copies of a Petition for Rulemaking and Request for Modification of Authorization in the above-captioned matter.

Should there be any questions, please contact the undersigned.

Very truly yours,

HOLLAND & KNIGHT

By: 

Edward W. Hummers, Jr.
Counsel for
Coastline Communications of
Carolina, Inc.

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AUG 23 1996

Federal Communications Commission
Office of Secretary

Before The
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of

Amendment of Section 73.202(b)
Table of FM Allotments
(Georgetown and Garden City,
South Carolina)

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MM Docket No. _____
RM No. _____

To: Chief, Allocations Branch

**PETITION FOR RULEMAKING AND REQUEST FOR
MODIFICATION OF AUTHORIZATION**

1. Coastline Communications of Carolina, Inc. ("Coastline"), licensee of FM station WWXM, Georgetown, South Carolina, by its attorneys, hereby petitions the Commission to institute a rulemaking proceeding to allot Channel 249C1 at Garden City, South Carolina, to provide that community with its first local aural transmission service, and to delete Channel 249C1 at Georgetown, South Carolina. Coastline proposes to amend the FM Table of Allotments (47 C.F.R. § 73.202(b)) as follows:

<u>Community</u>	<u>Present Allotment</u>	<u>Proposed Allotment</u>
Georgetown	229A, 249C1, 293C2	229A and 293C2
Garden City	None	249C1

2. In addition, Coastline requests that the Commission modify WWXM's authorization to specify operation on Channel 249C1 at Garden City, South Carolina, in

accordance with Section 1.420(i) of the FCC's Rules, 47 C.F.R. § 1.420(i). The Commission may modify WWXM's authorization without considering competing expressions of interest because (1) the proposed allotment of Channel 249C1 to Garden City, South Carolina is mutually exclusive with the current allotment of Channel 249C1 at Georgetown, South Carolina; (2) the proposed change in allotments will not deprive Georgetown, South Carolina of its only local aural transmission service; and (3) Coastline's proposed change in allotments will result in a preferential distribution of facilities under the Commission's FM allotment priorities and policies. *See Revision of FM Assignment Policies and Procedures*, 90 F.C.C. 2d 88 (1982), and *Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989). In support of its request, Coastline respectfully submits the following:

3. Attached hereto is the Technical Statement of Abdolmajid Khalilzadeh, of Philip A. Rubin & Associates, Inc. (See Attachment A). Attachment A shows that the proposed allotment of Channel 249C1 to Garden City is mutually exclusive with the present allotment of Channel 249C1 at Georgetown. Attachment A also shows that Channel 249C1 can be allotted to Garden City, and that WWXM can remain at its present site and place a 3.16 mV/m signal over Garden City in full compliance with Section 73.315 and with the separation requirements of Section 73.207(b) of the Rules.

4. Section 1.420(i) of the Rules authorizes amendment of the Table of FM Allotments and modification of the license of an FM station to specify a new community of license where the amended allotment would be mutually exclusive with the licensee's present assignment. In addition, the Commission has emphasized that such changes in the Table of FM Allotments must satisfy the objectives of 47 U.S.C. § 307(b):

To insure that our intent is clear, . . . we hereby state unequivocally that Section 1.420(i) was adopted to further the Commission's long standing pursuit of the goals underlying Section 307(b) of the Act, and that any changes in the FM and TV Tables of Allotments must be consistent with those goals.

Modification of FM & TV Authorizations to Specify a New Community of License, 5 FCC Rcd 7094, 7095 (1990) on reconsideration. Section 307(b) itself requires that

[i]n considering applications for licenses, and modification and renewals thereof, when and insofar as there is demand for the same, the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same.

47 U.S.C. § 307(b).

5. Coastline's proposed change in allotments should be granted because it satisfies both the mutual exclusivity requirement of Section 1.420(i) of the Rules and the objectives of fairness, efficiency and equitable distribution of 47 U.S.C. § 307(b). Presently, Georgetown has five - four full-time and one daytime only - radio stations licensed to it. Georgetown has a population of approximately 10,000. Garden City, which currently has no

local aural transmission service, has a population of approximately 6,300. Coastline's proposed allotment would result in a preferential arrangement of allotments under the Commission's FM allotment priorities and policies. The proposed reallocation of WWXM to Garden City will result in that city's having its first local aural transmission service, which is the Commission's third FM allotment priority, second in weight behind provision of a first aural service. Removing WWXM from Georgetown, on the other hand, will not deprive that city of its only local aural transmission service because two FM stations, WSYN and WSCA, a full-time AM station, WGTN, and a daytime-only AM station, WLMC, will remain licensed to Georgetown. The only remaining question is whether moving WWXM from Georgetown to Garden City is otherwise in the public interest.

6. Garden City is an unincorporated city that deserves its own local aural transmission service. Although it is governed by and receives all of its local services from Horry County, its population is larger than that of surrounding cities that, while also unincorporated, have an aural transmission service of their own. Further, the residents of Garden City have a community of interest separate and apart from the whole of Horry County. For example, as a beach community, Garden City has needs and interests different from those of the agricultural portions of the county and the highly commercial development of the Myrtle Beach areas to the north. With a population of 6,305, Garden City's need for its first local service is at least as great as other, less heavily populated, unincorporated towns that have their own stations. Allotting Channel 249C1 to Garden City is therefore in

the public interest because it will provide the city with a vital outlet for local expression that is typical of the area.

7. As the operation of WWXM from its present site meets the requirements of Sections 73.207(b) and 73.315, the allotment of Channel 249C1 to Garden City, South Carolina requires only the modification of the WWXM license for operation thereon and does not require the filing of an additional application to modify facilities.

WHEREFORE, for the foregoing reasons, Coastline respectfully requests that the Commission amend Section 73.202(b) of its Rules to allot Channel 249C1 at Garden City, South Carolina and to delete Channel 249C1 at Georgetown, South Carolina, and modify Coastline's authorization to specify operation thereon.

Respectfully submitted,

**COASTLINE COMMUNICATIONS OF
CAROLINA, INC.**

By: 
Edward W. Hummers, Jr.

Its Counsel

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August 23, 1996
WAS-184175.2

Attachment A

**Technical Statement in Support
of Proposed Rulemaking
to Amend § 73.202(b), Table of FM Allotments**

on behalf of

**Coastline Communications of Carolina, Inc.
WWXM 97.7 FM, Channel 249C1**

August, 1996

WAS-184175.2

PHILIP A. RUBIN & ASSOCIATES, INC.

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ENGINEERING STATEMENT

prepared for

**COASTLINE COMMUNICATIONS OF CAROLINA, INC.
RADIO STATION WWXM
GEORGETOWN, SOUTH CAROLINA**

This Engineering Statement has been prepared for Coastline Communications of Carolina, Inc., licensee of FM broadcast station WWXM, serving Georgetown, South Carolina on channel 249C1. The instant Statement discusses 1) the mutual exclusivity that would obtain with the existing WWXM assignment if the Commission's Table of Allotments were amended to specify a new community of license, and 2) the existence of other Georgetown FM services besides WWXM.

1. Mutual Exclusivity between the Existing WWXM Assignment and the Proposed Modification

WWXM currently operates on channel 249C1. Section 73.207 of the Commission's Rules specifies a co-channel separation distance of 245 kilometers for Class C1 facilities. The principal city contour for a maximum class C1 facility operating at 100 kilowatts effective radiated power with an antenna height above average terrain of 299 meters extends approximately 50 kilometers. The present WWXM facility provides predicted 70 dBu (3.16 mV/m) coverage of both Georgetown and Garden City. Transmitter sites serving these cities could not be further than 100 kilometers apart (2 x 50 kilometers). Thus, a change in assignment to Garden City as the community of license must result in a facility that is mutually exclusive with the existing WWXM assignment.

2. Other Facilities Providing Local Service to Georgetown, South Carolina

A search of the FCC's engineering data base shows two full-service FM stations, and two AM stations besides WWXM, that are currently licensed to Georgetown, South Carolina.

ENGINEERING STATEMENT

prepared for

COASTLINE COMMUNICATIONS OF CAROLINA, INC.

RADIO STATION WWXM

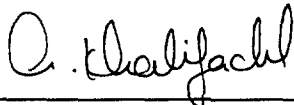
GEORGETOWN, SOUTH CAROLINA

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These stations are 1) WSYN, channel 293C2, FCC File No. BLH-880726KA, 2) WSCA, channel 229A, FCC File No. BLH-930420KA, 3) WGTN (AM), 1400 kHz, FCC File No. BL-851213AQ and 4) WLMC (AM), 1470 kHz.

If there are any questions concerning the above, please contact the undersigned.



Abdolmajid Khalilzadeh

August 23, 1996

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